IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.744 OF 2006
IN
SUIT NO.9 OF 1993

Om Sadan Co-operative Housing Society Ltd. and others — Plaintiffs

versus

Om Sadan Pvt.Ltd. & others — Defendants

and

Pallavi Rajendra Chaturvedi — Respondent

Mr.M.V.Jayakar for plaitniffs.

Mr.C.D.Patel for defendants 1 and 2.

Ms.Swati Deshpande i/by M.S.Bodhanwalla & Co. for defendants 9 and 10.

Tanvi Gandhi i/by Markand Gandhi & Co. for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th July 2006

PC :

1. In this Chamber Summons all that is being sought by the original plaintiffs is that two of the plaintiffs are not desirous of prosecuting the suit and have transferred their right, title and interest in the flats to which they are

entitled to, in favour of respondents. The respondents shall now step in as party plaintiffs and the name of original plaintiff no.16 and 21 shall stand deleted.

2. No other relief is sought in this Chamber Summons. Respondent is represented by Ms.Tanvi Gandhi and she states that the respondents who shall stand substituted as plaintiff nos.16 and 21, is ready and willing to execute an identical undertaking as that of the original plaintiff nos.16 and 21. In fact, a draft of the undertaking is already annexed and placed on record and an undertaking in the said form shall be duly executed within a period of one week after completion of sale by plaintiff nos.16 and 21 in favour of respondent.

3. Chamber Summons is made absolute in terms of prayer clauses (a) to (e).

4. Mr.Patel appears for defendants 1 and 2 and makes a statement that without prejudice to the rights and contentions of defendants 1 and 2 in the suit, they have no objection to the plaint being amended in terms of this Chamber Summons. The plaintiffs advocate agree to hand over xerox

copies of the undertaking as also the agreement to the advocate for defendants 1 and 2.

5. Ms.Deshpande appears for Bank of Baroda and Bank of India who are defendant nos.9 and 10. Upon perusal of the Chamber Summonses and annexures thereto I am satisfied that as far as Bank of Baroda and Bank of India are concerned, the order passed on this Chamber Summons does not affect in any manner their rights and contentions in the suit and it would be open for them to raise all contentions as are permissible in law irrespective of substitution of the respondent as plaintiff.

6. All contentions in that behalf of both sides are expressly kept open.

7. Mr.Jaikar states that copy of the Chamber Summons has been handed over. He states that the xerox copy of undertaking and agreement will be handed over to Bank of Baroda and Bank of India after the same are duly executed. Chamber Summon stands disposed of.

(S.C.DHARMADHIKARI, J.)